IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 9535 of 2004

Between:

1. P.Rama Rao, S/o. P.Hanumantha rao, Aged:60 yrs, occ: ex-serviceman,
   R/o.Marutinagar, Trimulgherry, secunderabad.
2. Kashmira singh, S/o.Paul Singh, Aged:63 yrs, occ: ex-serviceman, r/o.H.No.29,
   Main Road, Jangaon.
3. R.Dhanaseelan, s/o.Ram Gopal, aged: 58 yrs, occ; Ex.serviceman,
   r/o H.No.12-61/2, Venkateshwaranagar, Jawaharnagar Post, Secunderabad.
4. HussainKhan, S/o.BudanKhan, Aged:69 yrs, occ: Ex-serviceman, r/o Malkaram, Jawaharnagar G.P., Shameerpet Mandal, R.R.District.
5. Md.YusufKhan, S/o.ValiHusanKhan, Aged:71ys, occ:Ex-serviceman, r/o Malkaram, Jawaharnagar G.P., Shameerpet Mandal, R.R.District.
6. M.A.Aziz, s/o.ShaikFareed, Aged 72 yrs, Occ:Ex-serviceman, r/o Malkaram, Jawaharnagar G.P., Shameerpet Mandal, R.R.District.
7. K.GovindRaj, S/o.KrishnaswamyNaidu, Aged:60 yrs, occ:Ex-Serviceman, r/o Plot No.52, Kalyanpuri Estates, Yapral, Jawaharnagar Post, Secunderabad
8. M.A.Kareem, S/o.Ibrahim, Aged:82 yrs, occ:Ex-serviceman, r/o Malkaram, Jawaharnagar G.P., Shameerpet Mandal, R.R.District.
9. T.G.Raju, s/o.Basavaiah, Aged:58 yrs, occ: Ex-Servicemen, r/o Malkaram, Jawaharnagar G.P., Shameerpet Mandal, R.R.District.
10. Xavier, S/o.Rayappa, Aged: 70 yrs, occ: Exservicemen, rep., by GPA K.Andrew Anthony, r/o H.No.225/B, West Marredpally,Nehrunagar, Secunderabad.
11. MD.Nuruddin, s/o.Md.Sharfuddin, aged: 42 yrs, occ: Agriculture, r/o Malkaram, Jawaharnagar G.P., Shameerpet Mandal, R.R.District.
12. A.Shanker, s/o.Armugam, Aged: 58 yrs, occ: Ex-servicemen, r/o 312-10-70, Miyapur, Sainikpuri, Secunderabad.

..... PETITIONER(S)

AND

1 State of Andhra Pradesh rep., by its Secretary, Revenue Department, Secretariat, Hyderabad.

2 The District Collector, Rangareddy District, Lakdikapool, Hyderabad.
3 The Revenue Divisional Officer, East Division, Rangareddy District, Goshamahal, Hyderabad.
4 The Mandal Revenue Officer, Shameerpet Mandal, Rangareddy District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ or order or direction, one in the nature of writ of mandamus i) declaring the action of the respondents in not assigning and issuing the patta certificates in favour of petitioners to their respective lands situated at Jawaharnagar village, Shammerpet Mandal, R.R.district for last more than 40 years, as arbitrary, illegal, unreasonable, violative of Art.14, 21 and 300-A of Constitution of India. ii) a direction to the respondents to assign the land and issue patta certificates in favour of the petitioners to an extent of Ac.5.0 gts., in Sy.No.99 & 100, Ac.5.0 gts., in Sy.No.39, Ac.5.0 gts., in Sy.No.12/P, Ac.5.0 gts., in Sy.No.12/27, Ac.6.0 gts., in Sy.No.2, 32 & 33, Ac.6.00 gts., in Sy.No.19 & 20/1, Ac.5.0 gts., in Sy.No.23, Ac.5.0 gts., in Sy.No.86 & 88, Ac.5.0 gts., in Sy.No.116, Ac.5.00 gts., in Sy.No.98, Ac.5.00 gts., in Sy.No.93 and Ac.5.0 gts., in Sy.No.714 respectively situated at Jawahar Nagar Village, Shameerpet Mandal, R.R.District. iii) costs be awarded

For the Petitioners:MR.B.MAHENDER REDDY, Advocate

For the Respondents: GP FOR REVENUE

The Court at the admission stage made the Following Order:

The present writ petition is filed questioning the action of the respondents in not assigning and issuing the patta certificates in favour of the petitioners to their respective lands situate at Jawaharnagar village, Shammerpet, Hyderabad.

It is stated in the affidavit filed in support of the writ petition that in the year 1952 to rehabilitate the exservicemen, the Government has issued a notification vide G.O.Ms.No.25 dated 23-10-1952 assigning land

admeasuring 5977.03 acres and pursuant thereof, under the control of Labour Department a society was formed viz., Jawaharnagar Land Colonisation Cooperative Society. The petitioners claim themselves as members of the said society and claim to be in possession of certain extents of land situate at Jawarnagar. It is stated that the Government has issued a notification vide G.O.Ms.No.17 dated 5-1-1976 directing the District Collector to resume the subject land from the society and dispose of the land by way of individual assignment to the ex-servicemen on priority basis and allot remaining land to landless poor persons. Subsequently the Collector stated to have issued certain instructions /guidelines for assignment of land vide proceedings dt 1-8-1979. The grievance of the petitioners is that though they made several representations, the patta certificates were not issued to them. The petitioners base their claim on a judgment of this Court in W.P.3912 of 1992 and batch dated 25-3-2004 whereby this Court directed the respondents to conduct enquiry and issue pattas to eligible ex-servicemen. Pursuant to the above said judgment of this Court, the petitioners had submitted a representation on 15-4-04 to the Mandal Revenue Officer requesting to consider their case for issuance of patta certificate. Complaining that no action is taken thereon, the present writ petition is filed.

Learned counsel for petitioner submitted that the petitioners herein are in possession of the respective plots and are eligible to assignment of pattas in their favour and made representation to the respondent Mandal Revenue Officer to enquire and allot the pattas in their favour, but no

action is taken thereon.

Heard learned counsel for petitioner and learned Government Pleader for Revenue.

The petitioners had made a representation to the Mandal Revenue Officer only on 15-4-2004 which is pending consideration and so far no orders were passed thereon, as such as on today there is no cause of action for the petitioners. The claim of the petitioners is pending consideration before the respondents and respondents require some reasonable time to enquire into the matter and pass appropriate orders.

Since the representation of the petitioner dated 15-4-2004 is pending consideration, the writ petition is disposed of directing the respondents to dispose of the representation of the petitioner dt 15-4-2004 in accordance with law. No costs.

ASSISTANT REGISTRAR

//True copy//

SECTION OFFICER

tvk

To

1. The Secretary,State of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Rangareddy District, Lakdikapool, Hyderabad.
3. The Revenue Divisional Officer, East Division, Rangareddy District, Goshamahal, Hyderabad.
4. The Mandal Revenue Officer, Shameerpet Mandal, Rangareddy

District.
5. 2 CCs to G.P for Revenue, High Court Buildings, (O.U.T)
6. 2 CD Copies.
7. One spare copy.

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 9535 OF 2004

DATE: 15-06-2004